

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ODELL BURGESS, #579316

§

§

V.

§

CIVIL ACTION NO. G-07-049

§

NATHANIEL QUARTERMAN, Director

§

Department of Criminal Justice,

§

Correctional Institutions Division

§

**ORDER OF DISMISSAL**

Before the Court for its Order of Acceptance is a Report and Recommendation of the Magistrate Judge, entered on March 15, 2007, which recommends that the Application for Writ of Habeas Corpus of Odell Burgess be dismissed with prejudice. Petitioner has filed objections to the Report and Recommendation, expatiating on various violations that he suffered under the Due Process Clause, but failing to rebut the fact that he is ineligible for mandatory supervision. As such, and as correctly explained by the Magistrate Judge, Petitioner is not entitled to the protections of the Due Process Clause.

Having given this matter *de novo* review as required by 28 U.S.C. §636 (b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of applicable law and it is, hereby, **ACCEPTED** in its entirety and incorporated by reference herein.

It is, therefore, **ORDERED** that the Application for Writ of Habeas Corpus of Odell Burgess is **DISMISSED** with prejudice.

**DONE** at Galveston, Texas, this the 2nd day of April, 2007.

  
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Samuel B. Kent  
United States District Judge